

BAIRD MUST EXPLAIN IN A POLICE COURT.

Magistrate Mott Issues a Summons for the Contractor on Complaint of A. S. Audrain, Who Charges Him with Maintaining a Nuisance.

The Contractor, Spurred by the Journal, Wakes Up and Puts Many Men to Work on Fifth Avenue. The Delay Only a Political Scheme of Collis's.

The Central Labor Union Finds That Italians Are Employed on City Work at Less Than Legal Wages and More Than Legal Hours, and Are Hounded Like Dogs.

Contractor W. P. Baird is brought to book.

The Journal will give him a chance to explain in a criminal court his shameful neglect and violation of the Fifth avenue contract.

Upon complaint of Adolph S. Audrain, merchant, No. 231 Fifth avenue, and at the instance of the Journal, City Magistrate John O. Mott issued last night a summons ordering Baird to appear in Yorkville Police Court to-morrow afternoon to answer to a charge of maintaining a public nuisance, in unlawfully obstructing a public highway in the city of New York, and rendering the street dangerous for passage.

Wherein Baird Broke the Law.

Mr. Audrain's complaint further sets forth that William P. Baird secured a contract from the Mayor, Aldermen and Commonality of the City of New York for, and in consideration of the payment to him by the Mayor, Aldermen and Commonality of the City of New York, for the construction of a pipeline from Washington square to Eighty-sixth street on Fifth avenue.

That he has violated said contract by keeping more than two streets and two cross streets closed at a time.

That the street in front of his (Audrain's) store has been completely blocked since the middle of June, and that trenches have been left open, from which foul and noxious odors emanate.

That free access to his (Audrain's) store is denied the public on account of the dirt and stones upon the sidewalk; and that on account of the open trenches the passage and free access to the street is rendered dangerous.

May Go to the Grand Jury.

If Magistrate Mott, upon examination, shall find the testimony in support of the

tions were those that commonly accompany public nuisances.

As a result of Mayor Strong's criticism a new gang was put to work last night and worked long after dark under electric lights.

BAIRD WAKES UP AT LAST.

The Journal Has Aroused Him So That He Does Work in a Few Days That Formerly Took Him Months.

The Journal's work against the dilatoriness of Contractor Baird in connection with the Fifth avenue job bore its most striking fruits yesterday.

Business men along the avenue were amazed at the dispatch with which the work was done yesterday. Nothing was left to be desired in this respect, and the exhibition that Contractor Baird, spurred on by the Journal, caused to be made served to convince them all the more of his previous incompetence.

The contractor showed yesterday that the work is not of a tedious character. In the minds of those whom he has incommoded most and to whom he has caused serious financial losses, the merchants on the avenue, he thus provided the strongest proof possible of the justice of the charges that the Journal has promulgated for them against him.

Grateful to the Journal.

B. Blaney, manager for C. Wernecke, dealer in antique furniture, silverware and bric-a-brac, No. 314 Fifth avenue, declared that all Baird needed was the shakedown that the Journal gave him.

"If the Journal had not taken up our cause," he said, "such rapidly as characterized the work today would still have been only a thing to be desired. Instead of a fact, the cessation of a powerful agency like the Journal was necessary to the success of his party."

The words of many other business men



Adolph S. Audrain, who has sworn out a summons against Contractor Baird, accusing him of maintaining a nuisance.

complaint sufficient to hold Baird, the matter will then in due course of law be placed in the hands of the District Attorney for presentation to the Grand Jury.

The complainant, Adolph S. Audrain, is importer and dealer in fine china. The avenue, along the block upon which his store stands, between Twenty-ninth and Thirtieth streets, was opened by Contractor Baird early last Spring, and has been in a continuous state of disruption and barricade ever since.

The buildings upon both sides of the avenue at this point are occupied by merchants. The block is one of the principal business portions of the entire thoroughfare. The persons of the stores are among the most fashionable in New York. Business here has been practically suspended all summer, and the month of September, one of the heaviest months in the trade, has been a season of utter loss by reason of Baird's shameful neglect.

Merchants Complained, But—

The loss to merchants in the neighborhood has been very great. They have sought remedy from the Public Works Department, but no heed has been paid to their complaints.

Mr. Audrain has endeavored again and again to secure some concerted action among the neighboring merchants, such as that now taken by the Journal, but could not succeed in uniting the forces.

The Journal has done it for them. Mayor Strong, as if expecting some such action as this, devoted his time in the last session of the Republican City Committee yesterday afternoon to an inspection of the condition of Fifth avenue, especially that portion of the barricaded and obstructed thoroughfare about Twenty-ninth street, on the block in which Mr. Audrain's store is located.

The Mayor had made a preliminary survey of the situation in the morning and declared when he reached the City Hall that he had detected some signs of improvement.

Striking Them Up.

"I saw many points," said he, "where there ought to be more men employed than the contractor had. I am going to keep on striking them up until there is a full complement of men at work."

When the Mayor returned late in the afternoon and saw the condition of affairs at Twenty-ninth street, he displayed disgust and anger. Commissioner Collis was with him. What the Mayor said to him is not known, but the Mayor's gestu-

along the avenue were similarly laden with testimony to and gratitude for the efficient manner in which the work was done in consequence of a general sense of relief from further unnecessary interference with their business.

The work that was dispatched with such commendable vigor yesterday was accomplished on the three blocks between Thirty-first and Thirty-fourth streets. The laying of the mains along the east side of these blocks was completed about a month ago. The work was begun in June, and therefore occupied three months.

On Saturday last the work of laying the mains on the west side of the avenue was begun. The work was also much more than the removal of the paving stones from the surface of the avenue was accomplished on the block between Thirty-first and Thirty-second streets on Saturday. On Monday the men began excavating for the trench, and when they broke off for the day, the two blocks between Thirty-first and Thirty-third streets were not far from being ready for the pipes.

Greater Rapidity Yesterday.

On that day an additional force of ninety men had been put on the work. It was not until yesterday that they saw with what rapidity the work could be accomplished.

When the day dawned, not even a paving stone had been removed in the block between Thirty-third and Thirty-fourth streets. At night almost all the trench in that block had been dug.

The same despatch was possible on the east side of the avenue, for the digging there was equally easy. On neither side of the avenue had there any blinding to be done. Instead of three months it took only three days to complete the work.

On the eastern trenches on those three blocks should not have taken more than three days, as in the case of the western trenches, and within two weeks, at the furthest, the pipes should have been laid in them, the trenches refilled and the avenue repaved.

It took three months, however—the testimony of daily eye-witnesses—because only three or four laborers were at work instead of from twenty-five to thirty-five as yesterday, and the day before.

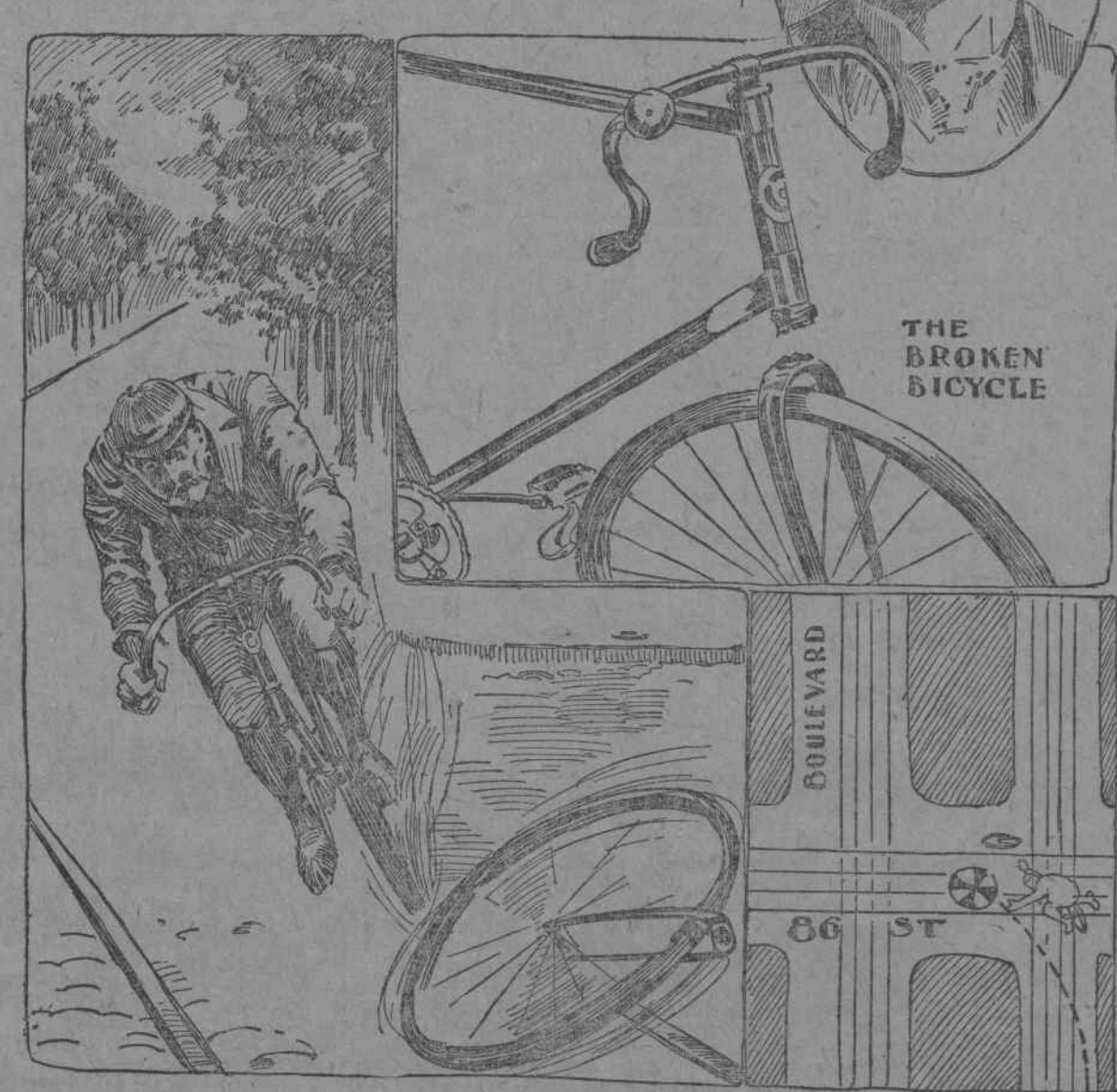
"We suffered badly, of course," said S. Weichsel, of Koopman & Co., dealers in antiques, No. 324 Fifth avenue, yesterday, "but perhaps not as badly as merchants on the other side of the avenue last Summer. Now that it seems our suffering is to be of short days, as in the case of the western trenches, we feel to the Journal for making them push the work."

"Only to-day," he said, "the closing of the avenue on this side means to us a \$300,000 cargo of containing goods that were urgently needed this morning was sent for, but we found

BIKE RICKETED BY HIS WHEEL BREAKING.

Evans Struck the Car Track at 86th St., While He Was Scorching Down the Boulevard--Skull Crushed by Striking the Asphalt.

Wife Dying in a Comrade's Arms He Asked That the News Be Broken Gently to His Wife--Fatal Ending of a Midnight Ride.



Bicyclist Evans Killed by the Breaking of a Wheel He Had Made.

Edward Evans, a member of the Century Wheelmen, was almost instantly killed yesterday morning by a fall from his wheel. He was riding along the Boulevard at full speed, and turned into Eighty-sixth street attempting to cross the car tracks there. His forward wheel caught in the tracks, and twisted off the head post where it joins the forks. Evans was thrown violently to the pavement.

"There's something cranky about this wheel," said Edward Evans to his friend, as they started out for a spin on the Boulevard in the small hours yesterday morning.

Less than hour later Evans was dead. The "something cranky" had killed him. The second member of the Century Wheelmen to be killed while riding a bicycle fashioned by his own hands.

Evans knew all about bicycles to the remotest parts of their mechanism. He was "in the trade." It was for that reason that he was kept busy until midnight and could only afford to ride after that hour for the evening hours are the busiest time for the bicycle shops. It was for this reason also that he had made a bicycle for himself. He had every facility for obtaining the various parts, at cost price, and his mechanical skill was fully equal to the task of "assembling" them.

There are many such bicycles being ridden in New York. They cost very little to make and there would seem to be no

particular reason to suppose that they are necessarily inferior to wheels that have the maker's name emblazoned on the headpost. In the case of Evans's homemade bicycle, however, the trouble arose from a flaw in the material.

His companion was John Schultz, of No. 519 West Fifth street. It was no hardship to them that the Boulevard was laid out for them by the Century Wheelmen. They were riding for the amusement of the day. They applied all their muscle and skill to the work and never over the matter that would have been out of the question in the daytime. It was a chilly night and the exercise exhilarated them.

It was after they had ridden ten or eleven miles up and down the Boulevard that Evans, riding in the lead at a dizzy rate of speed, tried to turn from the Boulevard onto the Avenue. He was riding in order to return down town. It would seem remarkable that she should have selected the Eighty-sixth street crossing for this maneuver, were it not for the fact that it is generally the skillful and experienced rider who disregards small dangers.

It almost impossible to get it into the store.

Establishment of the ladies' tailoring establishment of L. P. Hollander, No. 290 Fifth avenue, declared that the rapidity of execution which Baird is displaying in this section of the work, thanks to the instigation of the Journal, proves that his previous dawdling and trifling with the job were inexcusable and outrageous.

Not So Aggravating Now.

On the east side of the avenue there was regret that Baird had not been called to account earlier. Manager C. V. Twiss, of the tapestry firm of A. H. Davenport, No. 331 Fifth avenue, said it was as gratifying yesterday to see so many men at work on the block on which his firm is located as it was aggravating last Summer to see so few.

Lower down on Fifth avenue—that is, between Twenty-third and Twenty-fifth streets—there was also unwonted activity. In that stretch, however, it seemed that Baird's object was more to keep within his contract in the matter of lumbering up the avenue with the great pipes than it was to hasten the work.

The contract stipulates, with a view to avoiding unnecessary blocking of the avenue, that pipe is only to be delivered on work one block ahead of laying same. This stipulation, however, has been flagrantly violated, for there have been long lines of pipe, in some cases double lines, for several weeks for three and four blocks ahead of where there has been actual laying.

Baird is now seeking as fast as he can to reach up to the pipe which has been stored on the avenue, offering to do the work of excavation, or make a show at it, than to remove the pipe.

Baird's Peculiar Dilemma.

In this haste Baird has broken another stipulation of his contract—that which provided that side streets shall not be blocked. At Thirty-third street his men have unnecessarily piled up a formidable obstruction of cobble stones and earthwork that has completely closed the street at that point.

The Waldorf Hotel is the great sore at this point. It cannot be reached from Fifth avenue or beyond by reason of this obstruction any more than if its approach from the east side were walled up.

Several other cross streets were blocked yesterday, but not to such an extent as Thirty-third.

LABOR ARRAIGNS COLLIS.

President O'Brien, of the Workmen's Assembly, Shows Why the Work Is Delayed.

To the Editor of the Journal:

Work on all the streets in course of repair and construction has been so slow that I

think the public is more than justified in taking arms against the imposition that is being heaped upon us by the city officials, especially General Collis and Mayor Strong, who are mainly responsible for the delay in the work.

I consider this delay criminal. The officials have done absolutely nothing but ignore the petitions sent to them to have the work hurried. The contractor in charge of the work on Fifth avenue has not employed one-third enough men, and there is undoubtedly a disposition on the part of those who have the work in charge to hire only the cheapest sort of labor.

The men employed on the Fifth avenue work are not union men, though Deputy Commissioner of Public Works Wilda has made the statement that the work was hampered by the law, which provided that only union labor be employed. In spite of this statement the facts are to the contrary. Mr. Wilda said it was impossible to employ a sufficient number of men who were contented with the union. The truth is that union laborers cannot work on the improvements for the reason that there are most instances these "cheap" laborers are not paid the union scale of wages.

The reason that the work has been slow is shown by the facts I wrote to him yesterday. He showed me the condition of affairs, which were a disgrace to the city of New York. He said that the contractors retaining wall now being built north of High Bridge and to the rear of the pumping station. Here huts are erected on city property and men employed by city contractors are compelled to sleep in them. These men are under the supervision of a padrone, and upon him they must rely for their food and bedding. Of course, the padrones supply these men with these necessities at as small a cost to themselves as possible.

When I recently wrote to General Collis calling his attention to the open violations of the law on the works at High Bridge, he answered my letter saying he would do nothing to remedy it. Then I wrote to Mayor Strong; he referred my letter to the contractor in charge of the work, and I received an unofficial letter from the contractor denying that any laws were being violated.

Mayor Strong had simply referred the matter to Collis and he had depended upon the contractor to square matters with the Central Labor Union.

I have represented the Granite Cutters' Union for many years and have been prominently connected with labor organizations since I was a boy. During all these years I have had dealings with many city administrators, and I can say, and say knowingly, that the present so-called "Reform Administration" is the worst this city has ever had for the interests of labor.

There are ear tracks crossing the Boulevard at Eighty-sixth street, and every New York wheelman knows that they are very badly laid.

Evans struck them at too acute an angle for safety. But front wheel twisted and in an effort to wrench it free of the obstruction by an abrupt movement of the handlebars, Evans called the "something cranky" into fatal action.

It all happened in an instant. The headpost snapped in two at its foot, just where it joined the front fork. The front wheel flew loose, the frame collapsed, and Evans was pitched head foremost to the pavement several feet away. When Schultz dismounted at his side he was breathing his last.

"Break the news to her easy," he whispered, and they were his last words. The top of his head had been crushed.

Schultz tried to obey his comrade's last request. As gently as possible he told Mrs. Evans, in her home at No. 769 Eighth avenue, where he happened to be a husband. But the news had a distressing effect upon her, and after a succession of swoons she refused to see anything but agitation that led the doctor who attended her to fear for her reason.

For the tax-paying public and for every self-respecting, liberty-loving citizen.

WILLIAM J. O'BRIEN, President of the Workmen's Assembly of the State of New York.

TRULY, IT WAS POLITICS.

Collis Purposely Delayed Fifth Avenue Work So as to Give Thousands Employment Just Before Election.

Collis is the man.

Contractor Baird's brazen abuse of the merchants and residents of Fifth avenue is only part and parcel of the bold game of politics which Collis has been playing, and which, unless the Journal had stopped him, he would have played out to an election day finish.

There has been method in it all. Baird, smiling in the face of public indignation, has believed all along that he was in no danger. He and his experienced father, who is old in city contracting, knew that they were outraging all decency.

But Collis was behind them. It is plain now, what all this procrastination and bold-faced violation of contract meant.

Collis was willing, more than willing, that the Fifth avenue contract should drag along with scarce a pretense of fulfillment. He expected all the time that Strong would be re-elected for Mayor.

Then, when the campaign came, Collis, coming down in his night upon the dejected contractors, would cry have and let loose an army of voters in the night, which, as every politician knows, happen at election time.

Was Strong Ignorant?

It is difficult to believe that Mayor Strong did not know what Collis was doing. By his own declaration to the Journal he had visited the scene of the Fifth avenue upheaval twice a week during the Summer.

He had seen again and again, three or four men at work where 100 should have been seen the street a wreck and business at a standstill. And yet he moved not, until the Journal set the whole machinery out by the ears, and drove Baird and his dawdlers to work.

Striving to shield himself from the Journal's blows, Collis has cried that "it is all politics."

Collis is right.

The following facts will show that it is in fact "politics," but the politics are hidden on Collis's side of the fence, while Fifth avenue pays the damage.

A short time ago Collis issued a statement to the effect that the Department of Public Works, directly and indirectly, through the contractors, was employing about 20,000 men. At that time he was

laboring for the re-nomination of Strong. That statement was a message to "the boys."

It contained the suggestion, too, that there was work for many more, but Collis in all likelihood more labor would soon be required.

Mayor didn't understand this announcement of Collis's at the time or pretended that he didn't.

In the light of the Journal's revelation it is clear now. Collis was planning to hold thousands of votes in the hollow of his hand, when election day came. Of what service he would then be in Mayor Strong's campaign. Of what ingratiation would the Mayor be guilty, if re-elected, the overlooked Collis and his voting cohorts in the distribution of the spoils.

And if Strong were not re-nominated could not Collis still dispose of these votes when he pleased, and still come in for a plum?

And the Fifth avenue job is not the only one. Until last week Collis made but puny efforts to get the \$517,000 necessary to asphalt five miles of Eighth avenue. He held the key to the situation there.

By the time Collis had advertised and let the contracts, as the law provides, the first week in October would have come. The asphalt cannot be laid in frosty weather, and as the heavy frosts come about November 1 there would remain only five weeks for the work.

It was mastery. The work could not be finished before Winter, but in the rush to begin there would be places for 2,500 or 3,000 men. President John A. Johnson, of the Board of Aldermen, stated that the railroad company did not wish to start track laying before Spring. But they would, to please Collis.

Strong had meantime seen his hopes of re-nomination fade away. He and Commissioner Fitch opposed making two bites of the contract cherry. But they could have the money on condition that the work should be done cleanly, and that there should be no wholesale tearing up of the five miles of street to make work for a horde of men.

Again, General Collis pleaded that although "the season is getting late," he be permitted to asphalt all these streets:

Forty-eighth street. First avenue to Lexington avenue. Seventy-fifth street. Columbus avenue to West End avenue. Fifth street. First avenue to Sixth avenue. Tenth street. Seventh street to Fifth avenue. Eleventh street. Lexington avenue to Third avenue. Thirtieth street. Second avenue to Irving place. Thirty-first street. Fourth avenue to Fifth avenue. Thirty-second street. Lexington avenue to Park avenue. Sixtieth street. First avenue to Third avenue. Forty-second street. First avenue to Third avenue. Forty-third street. First avenue to Third avenue. Forty-fourth street. First avenue to Third avenue. Forty-fifth street. First avenue to Third avenue. Forty-sixth street. First avenue to Third avenue. Forty-seventh street. Madison avenue to Third avenue. Fifty-eighth street. One Hundred and Thirty-second street. One Hundred and Thirty-third street. Broadway, from north side of Forty-seventh street to south side of Fifty-eighth street.

This is a partial record of the work which, in addition to the Fifth avenue job, Collis left to be done in the month of March at the polls.

What do the Fifth avenue merchants, whose sacrifices to Collis's politics mount up to many, many thousands,—think of it!

THREW AWAY DIAMONDS.

At Least That's What Dukehart Says He Did with His Boarder's Jewels. Convicted of Grand Larceny.

Eugene H. Dukehart, who, with his wife Clara and a Mrs. Bliss, conducts a boarding house at No. 57 West Seventeenth street, was convicted in the Court of General Sessions yesterday of grand larceny in the second degree.

In July last George Van Dusen and his wife, Alva, arrived in this city from Dayton, Ohio. They stopped at the Dukehart boarding house. On the third day after their arrival they prepared for a journey to Rockaway, and before leaving Mrs. Van Dusen gave to Dukehart for safekeeping, a box of jewelry and diamonds valued at \$200.

Upon their return from Rockaway the Van Dusens asked Dukehart for their property. "Why, I threw that box out into the ash barrel," said Dukehart. "You'll never see it again."

Mr. and Mrs. Van Dusen thought their host was joking, but when they discovered that he was in earnest, they caused his arrest.

Dukehart testified yesterday that frequently his boarders left "stuff" in their rooms which they usually asked him to dispose of for them.

"The box Mrs. Van Dusen gave me," he said, "gave forth a bad odor. I thought it contained some old furs or other remains of a mouse, so I tossed it into the garbage barrel." He intimated that the Van Dusens were endeavoring to blackmail him. He will be sentenced Friday.

No matter if you work with your brains or your hands, a Journal "Want" ad. will find a situation for you.

MOTT IN HIS OLD FORM.

The Magistrate Sends a Boy to Prison for Starting a Bonfire.

Magistrate Mott disposed of a case yesterday in quite his old manner. The court officers at Yorkville shivered, for they jumped to the conclusion that the approach of cold weather was restoring the Magistrate to the judicial congelation that had yielded to the genial temperature of the Summer months.

The prisoner who was unhappy enough to be made the first example of Mr. Mott's Winter severity was a very small and very frightened boy. His name was Joseph Lyons, his age fifteen, his home at No. 805 Second avenue. He had been arrested on the charge of starting a bonfire in East Forty-third street and he was charged with having ignited it.

"Please let me go home to mother," said Joseph Lyons. "I didn't think that was no harm."

"You are fined three dollars," said Mr. Mott, with the emphasis of an angel.

"Three dollars!" gasped the boy. "I can't pay it!"

"In that case," said Mr. Mott, blandly, "I'll have you locked up three days."

Joseph Lyons pulled down his lip and his face grew red and crumpled up into an angry frown. "O' Judge!" he cried, "don't lock me up! I want to go home to mother! Father is dead and she's the only one I've got in the world!"

And, sobbing thus, he was led away, while Magistrate Mott sneered coldly.

Peace Restored in Nicaragua.

Washington, Sept. 28.—The insurrection in Nicaragua has been entirely suppressed and peace restored throughout the country according to advices received by Secretary of State Charles D. Adams, of the Greater Republic of Central America, including Nicaragua.

Kidney and Bladder Troubles Quickly Cured.

You May Have a Sample Bottle of the Great Discovery Dr. Kilmer's Swamp-Root Sent Free by Mail.

People doctor their troubles and try different medicines so often without benefit that they get discouraged and sceptical. In most such cases serious mistakes are made in doctoring and not knowing what our trouble is or what makes us sick. The unmistakable evidences of kidney trouble are pain or dull ache in the back, too frequent desire to pass water, scanty supply, scalding irritation. As kidney disease advances the face looks sallow or pale, eyes puffy, the feet swell and sometimes the heart acts badly. Should further evidence be needed to find the cause of sickness, then set urine aside for twenty-four hours; a sediment or settling is also convincing proof that our kidneys and bladder need doctoring.

The mild and extraordinary effect of Dr. Kilmer's Swamp-Root, the great kidney remedy, is soon realized. It stands highest for its wonderful cures. Sold by druggists, price fifty cents and one dollar. So universally successful has Swamp-Root been in quickly curing even the most distressing cases, that if you wish to Prove its wonderful merit you may have a sample bottle and a book, both sent absolutely free by mail. Mention this paper and send your address to Dr. Kilmer & Co., Binghamton, N. Y. This offer appearing in this paper is a guarantee of genuineness.

GOLEET MILLIONS GO TO THE FAMILY.

Beautiful Miss Mary and Young Robert to Receive Regal Fortunes.

THE WIDOW'S ALLOWANCE.

All the Real Property to Be Divided Between the Two Children.

TRUST TO CARE FOR ESTATE.

Save \$55,000 in Gifts, Every Cent of the Stupendous Accumulation Goes to Widow, Son and Daughter.

The great estate of Ogden Goelet remains close in the Goelet family. The beautiful Miss Mary Wilson Goelet and young Robert Goelet, by bequest of their father, will receive the imposing properties that have been acquired and improved by successive generations of the notable Huguenot family of which he was a member. The will of the millionaire, who died on his steam yacht, White Lady, at Cowes, Isle of Wight, on August 27, follows the fashion of the family, in distribution of wealth, as established by Jean Goelet, the brilliant young exile, who fled from France to the Netherlands and thence to America, arriving at Manhattan Island late in the sixteenth century. That fashion is to keep the property intact within the possession of the family. It may be remarked that the Dutch families, the Astors and the Vanderbilts, have the same rule in disposing of property on the demise of the title at the death of the owner.

The petition for the probate of the will, which was filed yesterday, estimates the value of the real property in the estate at \$5,000,000 and over, and the personal property at \$100,000 and over. The real property was held in partnership by the late Ogden Goelet and his surviving brother, John T. Goelet, who, after the death of the latter, was succeeded by his son, Robert Goelet, who bequeathed to them the colossal fortune he had built from the large property that came to him from his father, Peter, an Opera and Ballet dancer, Huguenot fugitive, founder of the family in America.

The will makes ample provision for the widow, the eldest daughter, Mrs. T. Wilson and sister of Mrs. Cornelius Vanderbilt, Jr., but it contains no bequest of city block or rural acres. Mrs. Goelet has no income of her own, but she has property to bequeath, unless she may elect to save money for her allowance. Mrs. Goelet is to receive \$10,000 a year, payable quarterly; also the income from \$200,000 to be invested by the executors, the principal upon her death to revert to the estate of John T. Goelet, who, after the death of the late Ogden Goelet, was succeeded by his son, Robert Goelet, who bequeathed to them the colossal fortune he had built from the large property that came to him from his father, Peter, an Opera and Ballet dancer, Huguenot fugitive, founder of the family in America.

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